

1 North China regime but on condition that he make an
2 inspection trip he consented to the journey.

3 "The North China army authorities had made
4 great efforts under the plan to establish the North
5 China regime as the Central Government of China in
6 the future and arranged to invite not only WANG but
7 other influential men from South China through YOSHINO
8 and IMAI (military officers) who were stationed in
9 SHANGHAI. Toward this policy the central army and
10 General TERAUCHI gave approval; however, a section of
11 the military officers in SHANGHAI expressed opposition,
12 especially Colonel KUSUMOTO was opposed to pulling out
13 many influential men from SHANGHAI, on the ground that
14 there is no necessity to determine North China as the
15 political center from the beginning.

16 "After the arrival in PEKING, WAN Ko-Min
17 decided to accept the chairmanship of the North
18 China regime and determined Government organization
19 and fundamental principles. On 14 December 1937,
20 the Provisional Chinese Government was established
21 in PEKING.

22 "The Government organization and the fun-
23 damental principles are as follows:

24 "(1) The Government shall be organized,
25 under the head of the Government, with mutual legis-

1 lative independence, the executive and the judicial
2 and with the independent committee mentioned below:

3 "(a) The Committee of discussing policies
4 (to discuss important national policies and general
5 political affairs)."
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1 Unless the Court feels it is necessary to
2 read all of the names of the particular officers, I
3 will skip down from "(1)" to "(2)."

4 "The national flag: 5 colored flag

5 "(3) The gist of the declaration.

6 "(a) We restore democracy and eliminate unclean
7 party politics.

8 "(b) We absolutely abolish communism.

9 "(c) We enhance the morality of the Far East
10 and promote friendly relations between
11 other nations.

12 "(d) We exploit industries and improve nation-
13 al welfare.

14 "(e) We accept complete responsibilities for
15 the duties declared by the previous
16 Government.

17 "As the result of the new establishment of
18 the Provisional Government, the Committee of maint-
19 enance of Peace in Peking district, the Committee of
20 maintenance of Peace in Tientsin and the Federation
21 of maintenance of Peace in Ping Tsien had joined and
22 on 30 June 1938, the KITUNG regime combined with the
23 new Provisional Government."
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1 "According to the 'Fundamental principles
2 to manage the Incident (A)' which was decided soon
3 after the establishment of the Provisional Govern-
4 ment at the Cabinet meeting, the Japanese Govern-
5 ment will cooperate with the Nanking Government
6 to save the situation if the Nanking Government
7 reconsiders. However, if the Nanking Government
8 does not reconsider and continues the so called
9 long-term resistance, Japan will not expect to
10 negotiate with the Nanking Government in the future,
11 and futhermore to meet the necessity to manage the
12 vast areas occupied by the Japanese forces, hence-
13 forth Japan will take separate measures.

14 "In North China, the main policies are to
15 promote public peace and welfare; politically, to
16 establish a regime which has anti-Comintern aims,
17 pro-Japanese and Manchukuo policies; economically,
18 to establish an indivisible relationship between
19 Japan, Manchukuo and China and gradually expand
20 and strengthen this regime to make the central
21 power of the regenerated China. However, if the
22 negotiation between the old Nanking Government
23 are brought about, this Government shall be adjusted
24 in accordance with the conditions of peace.

25 "Further, based upon 'the basic policy on

1 the disposition of the China Incident decided by the
2 Imperial Conference met on the 11th of January 1938,
3 our Government has set up its policy to the effect that
4 as regards the Central Government, we reserve a right
5 to negotiate with the old Nanking regime on the basis
6 of the peace terms drawn up separately in case it
7 makes reflection, changes its mind and approaches us
8 with sincerity, seeking peace: that, if on the con-
9 trary it makes no peace offer to us we drop our idea
10 to seek a solution of the conflict through further
11 negotiation with it; that we help create a new Chin-
12 ese regime and cooperate with it to build up a new
13 reform China by making an arrangement with it to re-
14 gulate the relations between the two countries; that we
15 on the other hand endeavor either to crush the old Nan-
16 king regime or to get it merged into a new central regime.

17 "With regard to the peace negotiation which we
18 have so far been taking up through the intermediary
19 of the German Government, the old Nanking Government
20 has on January 14th advised us through the German
21 Ambassador in Nanking that in order for it to arrive
22 at a final decision, it desires to have further details
23 of our demands on the ground that this demand is too
24 extensive in scope. We have taken it for granted
25 that the present answer from the Chinese contains

1 no trace of a sincere wish for peace and is designed
2 merely to delay the settlement, since they ought to
3 have a full knowledge through Germany as to the
4 basic peace terms set forth by the Japanese. Thus
5 our government on or about January 15th has ceased
6 to entertain any hope for a peace out of our negot-
7 iations with the Nanking Government, and the Cabinet
8 has decided its policy to start the second phase
9 of our measure in line with the policy decided by the
10 Imperial Conference of January 11th, i.e. to take
11 steps to help create and develop a new Chinese regime.
12 In this connection our Government has on the 16th
13 made public a statement domestically and abroad as to
14 the foregoing and at the same time notified the Chinese
15 to terminate our peace negotiation between us.

16 "2. Movement for establishment of a new govern-
17 ment in Central China.

18 "When the Japanese force crushed the Chinese
19 army in Shanghai and its vicinity, and subsequently on
20 December 13th, 1937, captured Nanking, movements for
21 creating a new regime in the Central China were
22 launched. First of all, the Shanghai Tatsao Municipal
23 Government was organized in Shanghai on December 5th.
24 In various places other than Shanghai public order
25 maintenance associations came into being. Among these,

1 the major organs are the Nanking Public order main-
2 tenance association and the Hangchow Public Order
3 Maintenance Association established on January 1st
4 1938. Nevertheless, in Shanghai area the influence
5 of the Chiang regime and the Nationalist Party
6 proved to remain strong, far more than what was
7 anticipated, even after the fall of Nanking, so that
8 it was impossible for the pro-Japanese elements to
9 openly approach the Japanese even in the International
10 Settlement. Thus, the matter of building up a sub-
11 stantial regime had long been difficult unlike the
12 case in North China.

13 "The movements for establishing new regimes
14 started during the fall of Nanking up till the date
15 when the Restoration Government came into being may
16 be summerized as follows:

17 "(1) Shanghai City Tatao Government (Tatao
18 Municipal Government).

19 "With regard to the above government, it
20 is reported that Colonel KUSUMOTO of the office of
21 Embassy Military Attache and Colonel KAGESA of the
22 Headquarters of General Staff had consulted with each
23 other and helped towards its formation. The naval
24 authorities and the Foreign Ministry Officials on
25 the spot were entirely uninformed thereof until the

moment when this government started to assume a
1 concrete form. Thus, this government was at the
2 time generally very unpopular (Mayor SU Hsi-wen is a
3 Fukienese, a graduate of Waseda University, and was
4 one time an official with duties in salt affairs).

5 "This municipal government put under its
6 jurisdiction the following districts: Pu Tung,
7 Nanking, Hu Si, Chapei, Chi Ju, the center of the
8 City, Wusung, Peh Kiao, Kiatung, Paoshan, Fensien,
9 Nanhui, Chuansha, and Tsungming, and consists of
10 the following; Secretariat office, special district
11 administration office, social affairs section, police
12 section, finance section, education section, sani-
13 tation section, estate section, transport section,
14 engineering section, legal board, general rural
15 district administration office.

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17 "(2) Shanghai War-Zone Relief and Rehabili-
18 tation Association.

19 "The above association, mainly organized
20 by a group of traders headed by YU Ya-ching and some
21 others, backed by the Tsinepan controlled by CHANG
22 Hsioling attempts to undertake the duties pertain-
23 ing to the maintenance of public order and rehabili-
24 tation of commerce and industry, and all sorts of
25 remedial jobs in the war-zone of Shanghai. Although



1 each other and their collaboration showed signs of
2 assuming material development, but the Tang-Wu
3 coalition, which was to come into power, was frust-
4 rated owing to the incident in which TANG fell a
5 victim of assassins, which occurred in August 1938".

6 I would like to omit the reading of (4),
7 (5) and (6), and continue on the next page, "3.
8 The Restoration Government of the Republic of China."
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1 (Reading) "3. The Restoration Government of the
2 Republic of China.

3 "The movement for establishing a central
4 regime in Central China has progressed to maturity
5 when LIANG Hung-chi, JEN Yuan-tao, CHEN Chun and
6 WEN Tsung-yao entered the political arena. It
7 was rumored that Major General HARADA, and Colonel
8 KUSUMOTO of the Army Special Service organ and the
9 Naval Special organ in Shanghai gave assistance
10 to all of these different streams of men in order
11 to expedite collaboration between them. In con-
12 nection with the establishment of the above govern-
13 ment, however, the North China group soon began to
14 create strong opposition.

15 "The major factors in the structure of
16 the Restoration Government and its platform at
17 the time when it was formally established on
18 March 28th may be summarized as follows:

19 "(1) This government was a tripartite
20 coalition in the form of a democratic constitu-
21 tional government with three councils and seven
22 departments in its formation."

23 I would like to go down from that to (2),
24 omitting the reading of the departments.

25 "(2) National Standard: 5-color standard

1 has been adopted.

2 "(3) Gist of the platform.

3 "(A) A constitutional form of government
4 under tripartite coalition has been adopted, abol-
5 ishing the single party absolutism.

6 "(B) The government will carry out anti-
7 Comintern measures as far possible.

8 "(C) As regard foreign relations, the
9 government will endeavor to guarantee equality,
10 preservation of sovereignty, neutrality and amity,
11 peace in East Asia and friendly relations with all
12 the foreign nations.

13 "(D) The government will take steps
14 for the relief of war sufferers, to provide aid
15 to them for their return to normal business life,
16 and for carrying out regional purges.

17 "(E) The government will take measures
18 for the exploitation of natural resources, promotion
19 of agriculture and industry, introduction of
20 foreign capital and economic collaboration with
21 foreign countries which are on friendly terms.

22 "(F) The government will endeavor to
23 develop commerce, industry and banking, thereby
24 to increase the national wealth.

25 "(G) The government will take steps

1 to advance the scientific knowledge of the nation
2 on the basis of its own peculiar culture, and to
3 purge radical education.

4 "(H) The government will rationalize
5 its finance to make it more fit, and take steps
6 to lessen the burden on the people.

7 "(I) The government will open the door
8 for men of ability, permit freedom of press, speech
9 and criticism of politics.

10 "(J) Abolition of irregular agents and
11 measures to carry out a purge of government per-
12 sonnel.

13 "As a result of the establishment of the
14 aforementioned Restoration Government a number of
15 local governments were then going to be created
16 under its control because the public order main-
17 tenance associations in all different places were
18 to be dissolved. Thus, the provincial governments
19 in Kiangsu Province, Chekiang Province and Anhui
20 Province, and the Governor's Municipal Public
21 Administration office of Nanking came into being
22 on May 23rd, June 20th, July 23rd and April 24th
23 respectively. While in Shanghai the Governor's
24 Municipal Public Administration office of Shanghai
25 was established on April 28th, taking over the whole

1 organization of the Tatao Government together with
2 virtually a nominal change made in its formation.
3 This Municipal Government discarded the name of
4 'Tatao' and was specially put under direct control
5 of the Administration Council.

6 "(Pages 1187 - 1189)

7 "Program for the direction of Central
8 China administration. (This program covers the
9 period until little after the establishment of the
10 New Regime)

11 "(Provisionally decided on Jan. 27, 1938)

12 "1. General Principles.

13 "(1) They shall found a highly pro-
14 Japanese regime, gradually free themselves from
15 dependence on Europe and America, and establish
16 the foundation of a district in China dependent
17 on Japan.

18 "(2) The direction of that regime shall
19 be so exercised that the regime, in the course of
20 its future development shall smoothly amalgamate
21 with the North China Regime. The direction shall
22 stop at general inner direction by Japanese advisors.
23 Detailed direction and interference in administration
24 by appointing Japanese officials shall be avoided.

25 "(3) CHIANG Regime shall be annihilated.

1 At the same time, elimination of Communists and
2 destruction of the Nationalist Party in a short
3 time within the area under Japanese occupation
4 shall be realized. Afterwards similar operations
5 shall be speedily extended to neighbouring areas.

6 "II. Program for Direction.

7 "(4) In directing administrative affairs,
8 emphasis shall be placed on the highest political
9 organization, above all, the Legislative Department,
10 and the domestic administration (chiefly peace
11 maintenance), financial, industrial and educational
12 sections of the Administrative Department, which
13 is the executive organ. In and around SHANGHAI,
14 special facilities shall be created, in order to
15 establish the foundation for the economic develop-
16 ment of Central China.

17 "(5) In directing Provincial Governments
18 and lesser local governments, participation by
19 Japanese advisors shall be avoided as much as
20 possible, so that directions from upper admin-
21 istrative organs shall be smoothly carried out.

22 "In areas under Japanese occupation,
23 especially in war areas, easing people's minds
24 and giving them employment shall speedily be
25 realized.

1 "(6) The foundation of finance shall
2 speedily be established, banking organs adjusted,
3 and Japan-China economic collaboration in Central
4 China realized. Measures for it are described
5 in another program.

6 "(7) As for armaments, minimum army
7 shall be trained for maintenance of peace and
8 order, and make efforts, under the guidance of
9 the Japanese army, to restore public order. But
10 the navy and air force shall be included in the
11 defense plan of Japan.

12 "(8) Throughout the whole areas, peace
13 maintenance corps set-up belonging to administrative
14 organs shall be strengthened. For this purpose,
15 several Japanese police officers shall be appointed
16 as instructors in order to establish police admin-
17 istration.

18 "(9) Establishment of special schools
19 to train model officials and promote cultural
20 activities and the creation of a special lateral
21 organ to promote political purge, shall be other-
22 wise planned.

23 "(10) Local autonomous bodies shall be
24 gradually abolished, as administrative organization
25 is improved.

1 "(11) The first-stage administrative area
2 shall be the district under Japanese occupation.
3 The area shall be successively extended.
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1 "(Pages 1190 -- 1193)

2 "Program for the Establishment of Central
3 China New Regime (in accordance with the program for
4 the administrative direction)

5 "(Tentatively decided on Jan. 27, 1938)

6 "I. General Principles

7 "(1) Name of the New Regime shall be as
8 follows:- Central China Provisional Government

9 "(2) Site of the Government shall be as
10 follows:-

11 "For the time being: SHANGHAI

12 "In the future: NANKING

13 "(3) National Standard: -

14 "5 Colour Flag

15 "(4) Form of Government:-

16 "To be decided separately.

17 "(5) Declaration and Platform as described
18 in a separate copy.

19 "(6) Organization of the New Regime:-

20 "As shown in the diagram.

21 "(7) The New Regime shall be speedily set
22 up, and, by nurturing it, antagonistic influences
23 shall be destroyed with physical and moral pressure.

24 "For this purpose, local autonomous bodies
25 which are being set up successively in the areas under

1 Japanese occupation, shall be strengthened, and
2 public sentiments desiring the establishment of a
3 New Regime backed by Japan shall be powerfully stim-
4 ulated. Moreover, in and around SHANGHAI, economic
5 rehabilitation shall be speedily realized, thereby
6 to contribute to the establishment of the New Regime
7 set up.

8 "(8) Of the expenditures in the initial
9 stage of the New Regime, considerable part shall be
10 borne by Japan.

11 "(9) For the relief of war-sufferers,
12 and rehabilitation of industries, emergency measures
13 shall be speedily taken. Especially, agricultural
14 produce shall be smoothly supplied to the market;
15 and farmers shall take to spring farming without
16 uneasiness.

17 "For this purpose, maintenance of local
18 peace shall be undertaken by the Japanese Army to the
19 best of their ability until the establishment of new
20 local government organs.

21 "(10) Order of the establishment of the
22 new administrative setup is as follows:

23 "1 Central Government setup, especially
24 legislative and executive departments.

25 "2 SHANGHAI Special Municipality setup

1 "3 Provincial Governments setup

2 "4 Organization of county autonomous
3 bodies and downwards

4 "(11) In parallel with the execution of
5 1 and 2, the influence of TSINGPAN and CHIH PAN shall
6 be turned pro-Japanese, and made to assist the New
7 Regime directly and indirectly.

8 "(12) In fixing new administrative dis-
9 tricts, former ones shall generally be preserved.

10 "(13) In foreign settlements, with the
11 strengthening of the New Regime, Japanese influence
12 shall be gradually extended, and, after the estab-
13 lishment of the New Regime, the organs of the old
14 regime under the control of Japanese Army and Navy
15 shall be taken over by the New Regime at proper
16 opportunity, causing at the same time outstanding
17 issues to be speedily settled.

18 "(14) TATAO Municipal Government,
19 Citizens' Association, and other newly-born organs
20 shall be co-ordinated into the new SHANGHAI Municipal
21 Government setup.

22 "(15) Purely administrative organs of the
23 Province and downwards shall be generally left as they
24 are, but educational system and contents shall undergo
25 wholesale revision, as separately planned".

1 If the Court please, the prosecution now
2 desires to present its document No. 1584-A. This
3 document is in two parts: (1) "Documents Concerning
4 the Treaty between Japan and China"; the other is a
5 "Statement of the Foreign Office Spokesman, on the
6 Signing of the Sino-Japanese Basic Treaty, and the
7 Japan-Manchoukuo-China Joint Declaration, Issued on
8 November 30, 1940."

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 1584-A, to-wit, a copy of the "Tokyo Gazette,"
12 January, 1941, will receive exhibit No. 464, and the
13 excerpts therefrom, 464-A.

14 (Whereupon prosecution's exhibits
15 No. 464 and No. 464-A were received in evidence.)

16 MR. HAUXHURST: For the information of the
17 Tribunal, I would say that the first part of this
18 document, "Documents Concerning the Treaty between
19 Japan and China," covers all that appeared in exhibit
20 No. 40, prosecution's document No. 190, which is the
21 1940 treaty between Japan and China. In preparing
22 this document we had in mind the order of the Court
23 that the whole article in the "Tokyo Gazette" must be
24 included; and as this was the first part of the
25 article, we thought that it would save references

1 to exhibit No. 40 and we would have all of the
2 information in this document as now introduced.

3 THE PRESIDENT: Do you propose to read all
4 this or to give us only a well-considered selection?

5 MR. HAUXHURST: I am prepared, if the Court
6 please, to give you selections from three or four
7 paragraphs of the treaty and the protocol.

8 THE PRESIDENT: We will adjourn now until
9 half-past one.

10 (Whereupon, at 1158 a recess was
11 taken.)

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Hauxhurst.

8 MR. HAUXHURST: May it please the Tribunal,
9 I find that exhibit No. 40 was not read to the Court.
10 at the time it was introduced, and I would like to
11 read one article from the Treaty, Article 6, and
12 Article 2 from the Joint Declaration of Manchukuo,
13 China, and Manchuria.

14 (Reading): "ARTICLE 6

15 "The Governments of the two countries shall
16 effect close economic cooperation between the two
17 countries in conformance with the spirit of comple-
18 menting each other and ministering to each other's
19 needs, as well as in accordance with the principles of
20 equality and reciprocity.

21 "With reference to specific resources in
22 North China and Mengchiang, especially mineral re-
23 sources required for national defense, the Government
24 of the Republic of China undertake that they shall be
25 developed through close cooperation of the two

1 countries. With reference to the development of
2 specific resources in other areas which are required
3 for national defense, the Government of the Republic
4 of China shall afford necessary facilities to Japan
5 and Japanese subjects.

6 "With regard to the utilization of the re-
7 sources referred to in the preceding paragraph, while
8 considering the requirements of China, the Govern-
9 ment of the Republic of China, shall afford positive
10 and full facilities to Japan and Japanese subjects.

11 "The Governments of the two countries shall
12 take all the necessary measures to promote trade in
13 general and to facilitate and rationalize the demand
14 and supply of goods between the two countries. The
15 Governments of the two countries shall extend spe-
16 cially close cooperation with respect to the pro-
17 motion of trade and commerce in the lower basin of
18 the Yangtze River and the rationalization of the de-
19 mand and supply of goods between Japan on the one
20 hand and North China and Mengchiang on the other.

21 "The Government of Japan shall, with re-
22 spect to the rehabilitation and development of in-
23 dustries, finance, transportation and communication
24 in China, extend necessary assistance and cooperation
25 to China through consultation between the two countries."

1 And then paragraph 2 of the protocol on
2 page 6:

3 (Reading) "Japan, Manchoukuo and China will
4 respect mutually their sovereignty and territories.

5 "Japan, Manchoukuo and China will bring
6 about general cooperation on a reciprocal basis
7 among the three countries, especially a good neighborly
8 friendship, common defence against communistic activi-
9 ties and economic cooperation, and for that purpose
10 will take all the necessary measures in every direc-
11 tion."
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1 MR. HAUXHURST (Continuing): In Part 2 of
2 the document at the end of page 1, I would like to
3 read the second statement, the second paragraph
4 of the statement of the Foreign Office spokesman
5 on the signing of the Sino-Japan Basic Treaty and
6 the Japan-Manchukuo-China Joint Declaration issued
7 on November 30, 1940.

8 (Reading): "Following the outbreak of the
9 Sino-Japanese hostilities, and with the advance of
10 Japanese forces, there sprang up societies for the
11 maintenance of peace and order in various parts
12 of China. These were gradually absorbed by and
13 amalgamated with two regimes -- namely, the Provisional
14 Government at Peking and the Reformed Government at
15 Nanking, paving the way for the construction of a new
16 China, until finally there appeared the Peace and
17 National Salvation Movement under the leadership
18 of Mr. Wang Ching-wei."

19 And then on page 2, the last two paragraphs.

20 (Reading): "In parallel and inseparable with
21 the activities for the establishment of a Central
22 Government, there progressed negotiations for the
23 adjustment of Sino-Japanese relations. These negotia-
24 tions made especially notable progress on the basis
25 of the three principles of amity and neighbourliness,

1 common defence against the Comintern and economic
2 cooperation, after the Sixth Plenary Session of
3 the Kuomintang which was held at the end of August
4 of 1939; and on December 30 an informal agreement
5 on basic ideas regarding the adjustment of Sino-
6 Japanese relations was reached at Shanghai between
7 the negotiators of the two countries.

8 "Upon the establishment of the new Central
9 Government on March 30 of this year, the Japanese
10 Government appointed on April 1 General Nobuyuki
11 ABE, Ambassador Extraordinary and Plenipotentiary,
12 who arrived at Nanking on the 23rd of that month.
13 After this, all preparations were completed with
14 despatch for the restoration of Sino-Japanese rela-
15 tions. On July 5 the first meeting of the formal
16 conference took place, attended by Ambassador ABE
17 and Mr. Wang as Acting President of the Republic of
18 China. Mr. Wang on this occasion spoke of what China
19 expected of the conference, while Ambassador ABE
20 set forth the views of the Japanese Government
21 relative to the negotiations that were to begin.
22 Since then the negotiations were continued for almost
23 two months. It was rather the zeal on both sides
24 for the construction of the new order in East Asia
25 than what may merely be termed mutual concession that

1 enabled the delegates of the two countries to solve
2 the many complex and vexing problems. At the 15th
3 session held on August 28 they agreed upon a draft
4 treaty, which was initialled on August 31. Upon
5 examination by the two Governments from the domestic
6 standpoint of their respective countries, this draft
7 treaty was found to require partial alterations.
8 Accordingly in the latter part of September the
9 negotiations were resumed for the necessary revision,
10 on which an agreement of views was reached, and the
11 treaty in its final form was initialled on October 10.

12 "On the other hand, with Manchoukuo that had
13 always supported without reserve the cause of Sino-
14 Japanese cooperation, negotiations were conducted
15 concerning a Japan-Manchoukuo-China Joint Declara-
16 tion. Early in November Mr. Wei Huan-chang, director
17 of the Foreign Affairs Bureau of Manchoukuo arrived
18 in Nanking, and the Declaration as published today
19 was initialled on November 8 by the plenipotentiaries
20 of the three countries. Meanwhile, Ambassador ABE,
21 returning to Japan on October 27, met Prime Minister
22 Prince KONOYE on October 29 to report on his mission.
23 Following the Imperial Conference of November 13, the
24 Treaty was submitted to the Privy Council, and approved
25 at its full session of November 27. This in brief is

1 the hisotry of the Sino-Japanese Basic Treaty that
2 was signed today at Nanking."

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1 MR. HAUXHURST (Continuing): On behalf of
2 the prosecution I would like to introduce its next
3 document, No. 1453, to be introduced into evidence,
4 a Secret Treaty, dated November 30, 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1453 will receive exhibit No., 465.

8 (Whereupon, prosecution's exhibit
9 No. 465 was received in evidence.)

10 MR. HAUXHURST: This consists of two secret
11 annexed agreements and a letter from Wang Chao-Ming
12 to His Excellency ABE, Ambassador of Japan. I would
13 to read from A-1 three articles.

14 "Article I -- document A-1 --

15 "The Governments of the two countries have
16 agreed that, in order to promote the common interests
17 of both countries and to secure peace in East Asia,
18 diplomacy based upon mutual concert shall be effec-
19 tuated and that no measures, which are contrary to
20 this principle, shall be taken on relations with
21 other third countries.

22 "Article II

23 "The Government of the Republic of China
24 shall comply to the Japanese demands regarding mili-
25 tary necessities, in accordance with the agreements

1 that are to be decided hereafter between the two
2 countries, concerning the railways, airways, com-
3 munications, harbors and waterways located in areas
4 stationed by Japanese troops and in the related areas
5 thereof within the territorial jurisdiction of the
6 Republic of China. However, the executive and ad-
7 ministrative rights of the Republic of China shall
8 be respected in ordinary times.

9 "The Government of the Republic of China
10 agree to grant the aforementioned Japanese troops
11 facilities necessary to station troops in accordance
12 with the agreements that are to be decided hereafter
13 between the two countries.

14 "Article III

15 "The governments of the two countries shall
16 publicly announce, when found necessary, the whole or
17 a part of the articles in this agreement upon con-
18 sultation."

19 I shall read from Articles I, II, and III
20 of Document A-2.

21 "In accordance with the stipulation in
22 Article V of the treaty, Japanese vessels shall be
23 permitted to freely enter into and anchor at the
24 harbor areas within the territorial jurisdiction of
25 the Republic of China in order that Japanese surface

1 units can be stationed along the Yangtze River banks
2 and in the specified islands along the South China
3 coast and connecting points thereof.

4 "Japan and the Republic of China have agreed
5 that, in order to maintain the common interests of the
6 two countries, it is considered necessary to maintain
7 and safeguard the security of traffic lines in the
8 China Sea and, in accordance with the agreements that
9 are to be decided hereafter, between the two coun-
10 tries based on Article V of the said treaty, that
11 close military cooperation shall be effectuated on
12 the specific islands along the South China coasts and
13 connecting spots thereof.

14 "Article II.

15 "The Government of the Republic of China has
16 agreed to cooperate intimately between the two coun-
17 tries in planning development and production of speciã
18 resources, especially strategic resources necessary
19 for national defense in Amoy, Hainan Island and the
20 adjoining islands thereof. In regard to the utiliza-
21 tion of these resources, the Government of the Republic
22 of China shall, after giving consideration to her needs,
23 positively and adequately facilitate Japan and the
24 Japanese people, especially in replenishing the
25 strategic demands of Japan.

"Article III.

"The governments of the two countries shall publicly announce this agreement upon consultation, when general peace has been restored between the two countries or at some appropriate time previous to the restoration of peace."

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1 MR. HAUXHURST (Continuing): The next
2 document I would like to read is 1453-C, and is
3 addressed to his Excellency ABE by Wang Chao-Ming.

4 THE PRESIDENT: Admitted as before.

5 CLERK OF THE COURT: Prosecution's docu-
6 ment 1453-C will receive exhibit No. 465-A.

7 (Whereupon prosecution's exhibit
8 No. 465-A was received in evidence.)

9 (Reading): "Monsieur l'Ambassadeur,
10 I have the honor to inform you that on signing the
11 Treaty relating to the Basic Relations between Japan
12 and China, an agreement was reached between Your
13 Excellency and myself, with reference to the stipu-
14 lations of Article 1 of the Supplementary Protocol
15 of the said Treaty, that during the period in which
16 Japan continues in the territories of the Republic of
17 China the warlike operations she is now carrying on,
18 the government of the Republic of China will positive-
19 ly cooperate toward the full attainment of the purposes
20 of the said warlike operations of Japan.

21 "I wish that Your Excellency will confirm
22 the above-mentioned understanding."

23 The prosecution would next like to introduce
24 into evidence its document No. 1451-A, B, D and E.
25 This is the Sino-Japanese treaty that was made

1 October 30, 1943.

2 THE PRESIDENT: Admitted as before.

3 CLERK OF THE COURT: Prosecution's
4 document 1451-A, B, D and E will receive exhibit
5 No. 466.

6 (Whereupon prosecution's exhibit
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1 No 466 was received in evidence.)

2 MR. HAUXHURST: These are the original
3 treaties which are in the document and there are
4 also the original letters passing between the
5 Minister and the representatives of the government.
6 For the purpose of saving time of the Court, I have
7 added to this document an official announcement by
8 the Board of Information on October 30, and also
9 a statement of the Japanese Government regarding
10 the conclusion of the Pact of Alliance between
11 Japan and the Republic of China under date of
12 October 30, 1943. The summary, as outlined in the
13 statement of the Japanese Government satisfactorily,
14 from our point of view, analyzes and states the
15 purposes of the treaty and will thereby save time.

16 (Reading): "1451A. ANNOUNCEMENT OF THE
17 BOARD OF INFORMATION REGARDING THE CONCLUSION OF A
18 PACT OF ALLIANCE BETWEEN JAPAN AND THE REPUBLIC OF
19 CHINA, October 30, 1943.

20 "The Governments of Japan and China have
21 been negotiating with a view to concluding a Pact of
22 Alliance between the two countries and a complete
23 agreement having been reached on the draft of the
24 treaty, His Excellency Masayuki TANI, Japanese
25 Ambassador Extraordinary and Plenipotentiary, and His

1 Excellency Wang Ching-wei, President of the Executive
2 Yuan of the Republic of China, signed and sealed the
3 treaty at Nanking on October 30."

4 "1451B, STATEMENT OF THE JAPANESE GOVERN-
5 MENT REGARDING THE CONCLUSION OF A PACT OF ALLIANCE
6 BETWEEN JAPAN AND THE REPUBLIC OF CHINA", dated
7 "October 30, 1943."

8 "The Japanese Government have today con-
9 cluded with the Government of the Republic of China
10 the 'Pact of Alliance between Japan and the Republic
11 of China.' As a result of the conclusion of this
12 Pact, the Treaty Relating to the Basic Affairs be-
13 tween Japan and China and the Documents attached
14 thereto have lost their validity and, at the same
15 time, the treaty relations between the two countries
16 have entered upon a period of epochal development.

17 "The Japanese Government previously made
18 clear, in their statement of January 9 of this year,
19 their convictions regarding Japan's policy toward
20 China to meet the new situation following the out-
21 break of the War of Greater East Asia. Since that
22 time, Japan has steadily translated into action what
23 was publicly declared in that statement and thereby
24 extended her utmost aid toward the speedy establish-
25 ment of a new China on the basis of self-asserting

1 independence and manifestation of the political power
2 of the National Government, and the latter also, in
3 concert with Japan, have taken measures to reinforce
4 themselves and strengthened their co-operation for
5 the prosecution of the war, resulting in the smooth
6 and satisfactory development of the new relations
7 between the two countries.

8 "With the outbreak of the War of Greater
9 East Asia, the situation in this part of the world
10 has undergone a radical change. Before the War, the
11 aggressive activities of the United States and Great
12 Britain were rampant and consequently Japan was placed
13 in a position where she could not ignore the realities
14 of this situation in determining her treaty relations
15 with China. But after the war broke out, the influence
16 of the United States and Great Britain has been com-
17 pletely expelled and the National Government have also
18 declared war against those countries. As a result,
19 Japan and China have come to deem it appropriate to
20 readjust their treaty relations to conform with the
21 new situation in order that they may, untrammelled by
22 all past circumstances, revert to their normal and
23 proper status as good neighbors and accomplish their
24 common mission of collaborating to stabilize Greater
25 East Asia and promote its renaissance and prosperity.

1 This indeed is the reason why the new Pact has been
2 concluded.

3 "Japan has already secured with Manchoukuo,
4 Thailand, Burma and the Philippines close co-operative
5 relations based on justice and has now firmly estab-
6 lished with the Republic of China a new foundation
7 for their cooperation. Thus, the order to assure the
8 common prosperity and well-being of all countries in
9 Greater East Asia is steadily being realized.

10 "The Japanese Government, confidently ex-
11 pecting an epochal progress of Japanese-Chinese
12 relations in conformance with the spirit of the new
13 Pact and, at the same time, being unstinting in
14 extending every possible assistance for the complete
15 realization of China's self-asserting independence, and
16 expecting that Japan and China will together in close
17 co-operation march vigorously forward toward the
18 successful prosecution of the present war and the
19 establishment of a new order in Greater East Asia,
20 hereby make known their convictions both at home and
21 abroad."

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1 MR. HAUXHURST: The next document which the
2 prosecution wishes to introduce into evidence is its
3 document No. 2177. This document was prepared as a
4 result of a SCAP directive and covers exports and im-
5 ports between Japan and Manchukuo, the Kwantung Penin-
6 sula and China. Those are the three that are in-
7 cluded in this document. These tables have been pre-
8 pared to include not only the Kwantung Peninsula,
9 Manchukuo and China, but also the Philippines, Indo-
10 China, and other countries to the south. They run
11 from 1932 to 1946.

12 Without taking the time to go through these
13 figures, I would call the Court's attention to page
14 4, showing the imports into Japan of iron ore and also
15 salt. In explaining the document I overlooked offer-
16 ing it in evidence, if the Court please, which I now
17 do.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2177 will receive exhibit No. 467.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit No.
23 467 and was received in evidence.)

24 THE PRESIDENT: But for the figures, which
25 is in Japanese.

1 MR. HAUXHURST: If the Court please, it is
2 both; the first page is in English and the second page
3 is in Japanese.

4 THE PRESIDENT: You draw attention to No. 4,
5 is that so?

6 MR. HAUXHURST: Yes, sir. Page 4 of the im-
7 ports, so far as China and Manchukuo are concerned.
8 They will be two separate documents, but each of them
9 are page 4.

10 THE PRESIDENT: The particular items are salt,
11 and what is the other one?

12 MR. HAUXHURST: Salt and iron ore and coal.

13 THE PRESIDENT: Well, you had better tell us
14 what the result is over the years.

15 MR. HAUXHURST: We have considered this
16 document a matter for reference only, but it does
17 show, for instance, on page 4, imported into China -

18 THE PRESIDENT: It is headed "Import, Man-
19 chukuo."

20 MR. HAUXHURST: Well, then, towards the end
21 of the document is the China import and export; on page
22 4 under "salt" the imports into Japan from China in
23 1931 in yen value 1,960,000, whereas in 1945 the im-
24 ports are 167,501,000 yen. In the case of coal on
25 the same page in 1931 3,902,000 yen in value was

1 imported, whereas in 1943 145,430,000 yen of coal
2 was imported.

3 THE PRESIDENT: Yes?

4 MR. HAUXHURST: The document was introduced
5 to show those comparisons and it is true of coal and
6 iron and manufactured machinery which was exported from
7 Japan to Manchuria. In the case of iron ore from
8 China in 1931, 4,180,000 yen in value was imported as
9 against 95,930,000 yen in value.

10 The prosecution now desires to introduce
11 into evidence document 2470. This document is a
12 further summary of exports and imports, and it is
13 introduced at this time to have reference to the last
14 page of the document, page 10.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2470 will receive exhibit No. 468.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit No.
20 468 and was received in evidence.)

21 MR. HAUXHURST: On page 10 of the document is
22 Manchukuo, importation of heavy construction material,
23 1932 to 1943; unit one thousand yen. I call the
24 Tribunal's attention to the column under 1932 as
25 compared with the column 1938, which shows the . . .

1 increase in the value in the yen of heavy construc-
2 tion material. On the total figures in 1932,
3 34,726,000 in yuan value was imported into Manchukuo.
4 In 1938, the last year as you will see that apparently
5 any figures were available, it was 365,076,000 yuan.

6 MR. BROOKS: Mr. President.

7 THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: I would like to object to the
9 immateriality of this type of evidence that is going
10 in. I can't see what the prosecution is intending to
11 show in setting out this figure. Instead of robbing
12 this country it looks like they are giving them a
13 lot of materials, and so forth. In carrying out
14 their offer of assistance, as stated in a lot of these
15 documents that they have put in, I am quite at a loss
16 to see the materiality from the prosecution's stand-
17 point in this case. I object to it for that reason.

18 THE PRESIDENT: It is quite material to show
19 the extent to which Japan battered on the resources
20 of China and the results of the alleged aggressive
21 war. The objection is overruled.

22 MR. HAUXHURST: The prosecution now desires
23 to introduce into evidence its document No. 2298.
24 This is introduced to show the paid up capital, de-
25 benture issues, investments and loans of the North

1 and Central China Development Company.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2298 will receive exhibit No. 469.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit No.
7 469 and was received in evidence.)

8 MR. HAUXHURST: I call the Tribunal's at-
9 tention to the last line on the first table on page
10 2, which show as of March 31, 1945, paid up capital
11 so far as the Central China Company is concerned of
12 110,864,946 yen, debentures issued 352,600,000; in-
13 vestments 144,061,390 yen, on loans 4,827,651,860
14 yen. In the case of the North China Development
15 Company the figures are shown in the last line with-
16 out necessarily repeating them.

17 THE PRESIDENT: Are they loans to or by
18 the company?

19 MR. HAUXHURST: By the company. It was in-
20 debtedness to the company.

21 THE PRESIDENT: Are you sure?

22 MR. HAUXHURST: Investments and loans by the -
23 they were asked to compile from the annual reports
24 of the Central China Development Company, showing
25 paid up capital, debentures issued, investments and

1 loans; that is, loans of the company for the years
2 ended December 31, 1938, 1939, 1940, and March 31,
3 1941. That appears in the certificate on the first
4 page.

5 If the Court please, we now desire to
6 present into evidence prosecution's document No.
7 2299, which is a document to show the interest of the
8 Japanese Government in the South Manchurian Railway,
9 Central China Development Company, North China Dev-
10 elopment Company, Manchurian Heavy Industry Company.

11 THE PRESIDENT: Admitted as before.

12 CLERK OF THE COURT: Prosecution's document
13 No. 2299 will receive exhibit No. 470.

14 (Whereupon, the document above referred
15 to was marked prosecutions exhibit No. 470
16 and was received in evidence.)

17 MR. HAUXHURST: On page 1 of the document
18 is the Government investment in stock shares of the
19 South Manchurian Railway Company, Limited, to 22 June
20 1946, and shows that out of a capital of 1,400,000,000
21 the Japanese Government owned 700,000,000 of yen, and
22 that the Japanese Government owns 50,000,000 yen.

23 THE PRESIDENT: You mean the Manchukuo
24 Government owns 50,000,000.

25 MR. HAUXHURST: So that the Japanese

1 Government, as is shown in the fourth column, owns
2 50 per cent of the capital of the South Manchurian
3 Railroad, in addition to the 50,000,000 yen that
4 the Manchukuoan Government owns. On page 2 of the
5 document is a statement of the subsidiaries of the
6 South Manchurian Railway Company, showing the per-
7 centage that they own in the various companies and
8 when they were organized. The Court's attention is
9 called to the extensive industries in matters that
10 are included in these investments, as is shown by
11 the names of the companies.

12 Turning to page 3 at the bottom of the
13 page is shown the Government investments in stock
14 shares of the Central China Development Company,
15 Limited, and that the Japanese Government owns
16 98,424,250 yen in value, or 88.9 per cent of the
17 company.
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1 The next page shows the names of the compa-
2 nies in which the Central China Development Company
3 and its subsidiaries, and shows the percentage of
4 ownership; **and also** attention is called to the varied
5 industries that are named in the companies.

6 On the next page is the government invest-
7 ment in stock shares of the North China Development
8 Company, Ltd., as of 22 June 1946, and shows the
9 Japanese Government owns 254,250,000 yen of its capital,
10 or 81.6 per cent.

11 Then follows three pages with the names of
12 the companies of -- of the subsidiaries of the North
13 China Development Company; and in the left-hand column
14 the Court will find that there is indicated the per-
15 centage of ownership in each bloc. of named companies.

16 On page 9 is the same information in reference
17 to the Manchuria Heavy Industry Development Company,
18 Ltd. As of 22 June 1946 the Japanese Government had
19 no investment in that company. But in the right-hand
20 column in the third box it is shown that as of
21 March 31, 1945, the Manchukuo Government owned
22 225,000,000 yen out of the capital of that company.
23 And then follows a similar list as to the subsidiary
24 companies, showing the percentage of ownership.

25 The next document the prosecution wishes to

1 introduce into evidence is document No. 2471-A. This
2 is the last document that the prosecution will present
3 in this phase of the case.

4 THE PRESIDENT: What is it?

5 It shows Japanese investment in Manchuria and
6 China proper.

7 MR. HAUXHURST: Yes, sir.

8 THE PRESIDENT: Admitted on the usual terms.

9 DEPUTY CLERK OF THE COURT: Prosecution's
10 document No. 2471-A will receive exhibit No. 471.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 471, and was received in evidence.)

14 THE PRESIDENT: Captain Brooks.

15 MR. BROOKS: Mr. President, if the Court please,
16 on exhibit 470 we just noticed on page 8, section (e),
17 the statement: "As the exact figures are not avail-
18 able, the figures given above are not guaranteed."
19 You will find it at the last paragraph in there. I
20 think it would have quite a bit of weight.

21 MR. HAUXHURST: If the Court please, this
22 document was issued to us as a result of a SCAP direc-
23 tive to be made from the figures of the Japanese Govern-
24 ment, and are probably the only available figures as a
25 result of the records some of which have been destroyed

1 by bombing.

2 THE PRESIDENT: I was just wondering how far
3 that extends.

4 MR. HAUXHURST: Beg pardon?

5 THE PRESIDENT: Does the note extend to the
6 whole document?

7 MR. HAUXHURST: No, it does not.

8 THE PRESIDENT: I note the certificate that
9 it is a true and correct copy of the company's origi-
10 nal document.

11 That note would appear to be confined to the
12 North China Development Company.

13 MR. HAUXHURST: Yes.

14 THE PRESIDENT: However, we will take note
15 of what Captain Brooks pointed out.

16 MR. HAUXHURST: Yes, sir. It should also
17 be noted, too, that on page 7 in reference to the
18 419 business companies which have reported: "It is,
19 however, thought that there is still a considerable
20 amount of investments which have not yet been reported."

21 THE PRESIDENT: For our purposes it is not
22 necessary to have the figures to the last ounce and
23 the last cent.

24 Better continue with exhibit 471.

25 MR. HAUXHURST: On page 2 is the investment

1 in Manchukuo of the Japanese Government, showing a
2 total of 138,750,000 yen in **the companies** named.

3 On page 3 of the document is the investment
4 in China of the Japanese Government. It shows that
5 in 1938 the amount was 55,570,000 yen, and the Central
6 China Development Company 18,882,000 yen or a total of
7 74,452,000 yen. These are summarized fairly well on
8 page 5 of the document in the table, "Total Amount of
9 Investments in Manchuria as classified by Enterprises,"
10 and shows the investment by the Japanese Government of
11 1,346,651,800 yen; **by private concerns**, 16,800,000,000;
12 a total of 18,187,000,000 yen.

13 And on the final page 7, it shows that four
14 out of -- 419 business firms had invested in China
15 over 298,378,000,000 yen, an increase over the amount
16 invested in 1938 which was 1,835,573 yen; so that over
17 297,000,000,000 yen were invested in China during the
18 seven years 1938 to 1945.

19 THE PRESIDENT: We will recess now for fif-
20 teen minutes.

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22 (Whereupon, at 1445, a recess was
23 taken until 1500, after which the proceedings
24 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 MR. HAUXHURST: May it please the Tribunal,
4 in the last figure that I gave, I understand I said
5 "billion" instead of "million" of yen. I said "the
6 investment of 419 enterprises in China." It should
7 be "two hundred ninety-eight million, three hundred
8 seventy-eight thousand, five hundred ninety-seven
9 yen." (sic)

10 THE PRESIDENT: You ought to endeavor to
11 enlighten the Court on the source of those immense
12 loans the company is said to have made according to
13 you, Mr. Hauxhurst.

14 MR. HAUXHURST: I do not have the details
15 of that, if the Court please, other than appears in
16 these documents. Otherwise, the prosecution has no
17 further evidence to introduce on this phase of the
18 case at this time.

19 THE PRESIDENT: You should be able to clarify
20 a matter of that importance. We will ask for assist-
21 ance. I am referring now to page 2, exhibit 469.
22 There is a figure there on the loans: "4,827,651,860."
23 We surely are entitled to enlightenment on the source
24 of such loans as that which you say were made by the
25 company. They are out of all proportion to the other

1 figures disclosed in that particular exhibit or in
2 any other exhibit that we can recall. They may repre-
3 sent operations by these companies on the compulsory
4 savings of the people of which we heard something
5 earlier, but we are not entitled to guess.

6 MR. HAUXHURST: If the Court please, this
7 document 2298 which you are referring to, showing
8 loans of the Central China Development Company of
9 four billion, eight hundred seventy-six million,
10 six hundred fifty-one thousand, eight hundred sixty
11 dollars in the case of the Central China Development
12 Company, and in the case of the North China Develop-
13 ment Company of two billion, eight hundred seventeen,
14 three hundred twelve thousand (sic) yen, was made up
15 from eight reports -- annual reports of each of those
16 companies by Mr. Chiu of this -- my associate, from
17 the only reports that we were able to get. They were
18 returned to the Department, after they had been made up,
19 together with a statement, and this statement here
20 represents a correction -- the corrected statement
21 that was prepared by the Department under this certifi-
22 cate.

23 THE PRESIDENT: And we still want to know
24 where the monies for these loans came from.

25 MR. HAUXHURST: This application was made to